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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,246	03/27/2001	Naoaki Horiuchi	041514-5103	8058
55694 7590 07/18/2007 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/817,246

**Applicant(s)**

HORIUCHI ET AL.

**Examiner**

HUY T. NGUYEN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 23,24,27-28,31-32, 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Omori.(6,658,194).

Regarding claims 23 and 31, Omori teaches an AV information processing unit for processing AV (Audio Visual) information, which includes at least any one of audio information and video information, the AV information processing unit comprising:

an accumulating device ( hard disk driver )for accumulating AV (Audio Visual) information, which include any one of audio information, video information and data information associated with at least any one of the audio information and the video information (columns 3, lines 1-30, column 4, lines 28-50).

a plurality of performing devices, each of which is provided to accommodate a recording medium and perform processing of the AV information (Figs. 6-8);

plurality of scenario and performing devices for performing information processing (video or audio effect, dissolving, wiping, adding, mixing which is a part of information processing required to be performed from the outside, by using said accumulated AV information and performing each of said information processes, which are different each other and separately;

a storing device for storing identification information for identifying at least a name of the AV information and a recording medium respectively in the performing devices process (Figs. 5, column 14) and utility information includes one of name, origin or destination (name, source, video or audio or recorder numbers) (column 7, Figs. 4-6);

a scenario selection and performing device for providing a plurality of scenario data, each of the scenario data being indicative of a procedure for each of the processing of the AV information, being associated with identification information of the name of the recorded AV information and the recording medium, the scenario selection and performing device determining whether or not certain identification information exists in the scenario data with respect to other performing device, and further allowing the scenario data to be taken over by the other performing (video or audio effect, dissolving, wiping, adding, mixing, which are different each other, separately (Figs. 5, column 14) and utility information includes one of name, origin or destination (name, source, video or audio or recorder numbers) (column 7, Figs. 4); and

an input unit for requesting processing in the performing devices and inputting the scenario data into the scenario selection and performing device;

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wherein each of the performing devices performs each of the processing of the AV information based on each of the scenario data stored in the scenario selection and performing device (Figs. 5, column 14).

Further for claim 31, Omori teaches a program stored on a computer readable medium since the operations of the processing unit of Omori is controlled by a computer (Figs. 1-2).

Regarding claims 24 and 32, Omori teaches the AV information processing unit according to claim 23, further comprising an outputting device which outputs an performing result, which is performed by each of the performing devices, by using at least one of a voice and an image (Fig. 4, column 3, lines 1-13).

Regarding claims 27 and 35, Omori further teaches the AV information processing unit according to claim 23, further comprising an obtaining device which obtains external AV information and accumulates it in the accumulating device. (column 4, lines 10-50).

Regarding claims 28 and 36, Omori further teaches the AV information processing unit according to claim 24, further comprising an obtaining device which obtains external AV information and accumulates it in the accumulating device (column 4, lines 20-35).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 25-26,29-30, 33-34, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omori in view of Best.

Regarding claims 25,26 and 33-34, Omori fails to teaches a receiving device for receiving said information processing required from the exterior by the voice as recited in claims 5, 6,16 and 17.

Best discloses an apparatus having a control means for storing predetermined instructions to generate commands in response the voice of user or viewer (column 8).

It would have been obvious to one of ordinary skill in the art to modify Omori with Best by providing the apparatus of Omori with a control means that stored

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predetermined instruction for generating editing commands in response to the voice of a user or viewer thereby enhancing the capacity of the apparatus of Omori to provide more convenience to the user in operating the apparatus .

Regarding claims 29-30 and 37-38 , Omori further teaches the AV information processing unit according to claim 5 further comprising an obtaining device for obtaining said AV information from the exterior (15) and accumulating it in said AV information accumulating device; wherein said each performing device performs said associated partial information processing by using said AV information (column 7, lines 55-67, column 8).

### ***Response to Arguments***

5. Applicant's arguments filed 23 April 2007 have been fully considered but they are not persuasive.

In Remarks, Applicant argues that "Omori, however, fails to teach or suggest at least the features of the "accumulating device," "plurality of performing devices," "storing device", ."scenario selection and performing device" and "input unit" as recited in combination in independent claims 23 and 31. Also, Best fails to make up for these deficiencies of Omori."

In response, the examiner disagrees. It is noted that does teach a accumulating device (hard disk driver 3) for storing the AV information from an input (column 4, lines 8-45), a plurality performing devices (video or audio effect, dissolving, wiping , adding and mixing devices, which are different each other, separately (Figs. 5, column 14),

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storing device (Figs. 4-6 for storing ID , name sources, medium and recorder), scenario selection and performing device (columns 5-6) and an input device (column 4, lines 20-35).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER